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10/532,003	06/24/2005	Tanichi Ando	036910-0112	3802

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>19 April 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>04/19/2005</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-18 are pending.

Specification

2.   The disclosure is objected to because of the following informalities: On page 29, line 15,

the use of the trademark **"Hotspot"** has been noted in this application. It should be capitalized

wherever it appears and be accompanied by the generic terminology. Appropriate correction is

required.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,
> or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

4.   Claims 15 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. They are directed to functional descriptive material,

which consists of a computer program per se. Since a computer program by itself, (i.e., without

computer readable and/or storable medium), is not a process and does not fall within the

statutory classes listed in 35 U.S.C. 101. The claims are believed to recite non-statuary subject

matter.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another
> filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the invention by the applicant for patent,
> except that an international application filed under the treaty defined in section 351(a) shall have the effects
> for purposes of this subsection of an application filed in the United States only if the international application
> designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-3, 5-6, 8, and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated

by Sato et al (Sato), US Pub. No. 2002/0066025.

         As pre claims 1, 13, 15 and 16 Sato discloses:

         A media data reproduction device comprising: (abstract, line 1-5, a music distribution

method).

         A recording section for recording therein a part of a media data set as a data set to be

complemented; (page 1, paragraph 8, insufficient data recording step for recording the insufficient

data in a read-only section of a storage medium). Where the insufficient data is a part of music

data divided from music data for secure transmission purpose.

         An instruction receiving section for receiving an instruction inputted by a user; (page 3,

paragraph 43, input unit of the terminal device such as a mouse, keyboard or other input device).

         A receiving section for receiving a complementing data set via a network in accordance

with an instruction of reproducing the media data set, (page 1, paragraph 11, the add-on data is

distributed through the network). Where add-on data is a part of music data which is used for

complementing the insufficient data and restore the music data.

         The complementing data set being for complementing the data set to be complemented,

(page 1, paragraph 11, the add-on data is distributed through the network). Where add-on data is

a part of music data which is used for complementing the insufficient data and restore the music

data.

         The instruction of reproducing received by the input-instruction receiving section; (page 3,

paragraph 43, input unit of the terminal device such as a mouse, keyboard or other input device).

Also see fig. 2.

         A control section for (I) combining (a) the data set to be complemented, which is recorded

in the recording section and (b) the complementing data set being received by the receiving

section, so as to obtain a compressed media data set; (page 1, paragraph 11, the add-on data is

distributed through the network to return the add-on data to the insufficient data on the computer to restore the original music data).

(II) Obtaining a reproducible media data set from the compressed media data set by decompressing the compressed media data set through a reversed process of a compression process, (page 3, paragraph 53, the music data is divided into insufficient data and add-on data after compression of the music data for faster communication speed). If the music data is compressed before transmission, it is inherently known that the data has to be decompressed to restore the original music data.

(III) Carrying out a reproduction of the reproducible media data set. (Page 1, paragraph 11, restoring the original music data).

As per claims 2 and 14 Sato discloses:

The media data reproduction device as set forth in claim 1, wherein the data set to be complemented is externally provided to the recording section by using a recording medium. (Page 1, paragraph 15, the insufficient data is distributed through network to terminal device). Where the insufficient data is a part of music data divided from music data for secure transmission purpose.

As per claim 3 Sato discloses:

The media data reproduction device as set forth in claim 1, wherein at least one of the data set to be complemented and the complementing data set includes a plurality of data parts. (Page 4, paragraph 55, in the case in which the music data is divided into insufficient data and add-on data, the add-on data is encoded and the decoding data for decoding the encoded add-on is distributed with the add-on data through the network). Here in regarding to the add-on data (complementing data) there are two type of data distributed to the receiving side namely encoded add-on data and decoding data for decoding the encoding data.

As per claim 5 Sato discloses:

The media data reproduction device as set forth in claim 1, wherein a total size of the data set to be complemented is larger than a total size of the complementing data set. (Page 4, paragraph 65, the amount of time to distributing the add-on data is shorter because the add-on data is a smaller part of music data). Also see the different between the insufficient and add-on data in fig. 7

As per claim 6 Sato discloses:

The media data reproduction device as set forth in claim 1, wherein the receiving section receives the complementing data set being encrypted. (Page 4, paragraph 55, the add-on data is encoded). Also see the encoded add-on data in fig. 7

As per claim 8 Sato discloses:

The media data reproduction device as set forth in any claim 1, wherein: the media data set is made of bit information, the complementing data set is a specific portion of the bit information, (page 1, paragraph 17, the music distribution method is characterized in that the add-on data is specific bit information from a time when the music data underwent A/D conversion).

The data set to be complemented is a remaining portion of the media data set from which the complementing data set is excluded. (See the insufficient data and add-on data in fig. 7).

As per claim 11, 17 and 18 Sato discloses:

A media data distribution device for distributing the complementing data set to the receiving section of the media data reproduction device as set forth in claim 1, in accordance with a request made by the media data reproduction device. (Page 4, paragraph 55, a request is received for distribution of the add-on data).

As per claim 12 Sato discloses:

The media data distribution device as set forth in claim 11, wherein: the complementing

data set is distributed to the receiving section in accordance with the request from the media data

reproduction device, only in a case where a user of the media data reproduction device is

authenticated. (Page 4, paragraph 55, the add-on data is encoded using a private key and then

distributed, or the encoding data is used as a private key and a public key is disclosed when a

request is received for distribution of the add-on data and this public key is used to encode the

add-on data at the same time that the data is distributed). Decoding the encoding data by the

user is the same as authenticating the user.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claims 4, 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sato et al (Sato), US Pub. No. 2002/0066025, and further in view of Ishiguro, US 7,143,445.

As per claim 4 Sato discloses:

The media data reproduction device as set forth in claim 1, wherein: after the

reproduction, the control section deletes (i) the compressed media data set, (ii) the reproducible

media data set, and (iii) the complementing data set that has been received by the receiving

section. (Page 3, paragraph 53, the music data is divided into insufficient data and add-on data

after compression of the music data).

Sato does not explicitly disclose that deleting the data after reproduction. However, on

the same field of endeavor, Ishiguro teach this limitation as, (column 18, line 9-13, the movement

management program notifies the CPU that the content file has been copied. In response, the

CPU deletes the content file).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

invention was made, to modify the teaching of Sato and include the above limitation using the

teaching of Ishiguro. The modification would be obvious because one of ordinary skill in the art

would be motivated to add the above limitation and improve the quality of security.

As per claim 7 Sato discloses:

The media data reproduction device as set forth in any claim 1, wherein: an abnormal

situation detecting means is provided for detecting abnormal situation information; and an

operation of the receiving section and/or the control section is stopped in accordance with the

abnormal situation information detected by the abnormal situation detecting means. (Page 4,

paragraph 56, it is impossible to restore the music, so it becomes possible to prevent illegal

copying and the like).

Sato does not explicitly disclose about detecting abnormal situation. However, on the

same field of endeavor, Ishiguro teach this limitation as, (column 19, line 25-35, stored content

data is controlled in order to make it possible to detect content data which has been copied in an

unauthorized manner and thus making it possible to prevent content data from being copied in an

unauthorized manner).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

invention was made, to modify the teaching of Sato and include the above limitation using the

teaching of Ishiguro. The modification would be obvious because one of ordinary skill in the art

would be motivated to add the above limitation and improve the quality of security by preventing

content from unauthorized use.

As per claim 9 Sato discloses:

The data set to be complemented is a remaining portion of the media data set from which the complementing data set is excluded. (See the insufficient data and add-on data in fig. 7).

The media data reproduction device as set forth in claim 1, wherein: the media data set includes a time-based data sequence, the complementing data set is a data set extracted from the time-based data sequence at a predetermined time interval, (page 1, paragraph 8, the music distribution method is characterized by the add-on data distribution step).

Sato does not explicitly disclose about time-based sequence. However, on the same field of endeavor, Ishiguro teach this limitation as, (column 19, line 18-21, In the present invention, the steps descried in the program stored in the program storage medium may be performed either in time sequence in accordance with the order described in the program or in a parallel or separate fashion).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Sato and include the above limitation using the teaching of Ishiguro. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and improve the quality of extracting data from the storage device.

As per claim 10 Sato discloses:

The media data reproduction device as set forth in claim 1, wherein: the control section carries out the reproduction by combining the data set to be complemented and the complementing data set in accordance with a data-table storing therein information of which part of the media data set is allotted to the complementing data set and which part thereof is allotted to the data set to be complemented. (Page 1, paragraph 11, the add-on data is distributed through the network to return the add-on data to the insufficient data on the computer to restore the original music data).

Sato does not explicitly disclose about data-table storing. However, on the same field of endeavor, Ishiguro teach this limitation as, (column 8, line 65-67, EEPROM 68 which stores the

file allocation table for representing the number of contents stored in the flash memory, the block locations of the flash memory where the contents are stored, and other various kinds of memory storage information).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Sato and include the above limitation using the teaching of Ishiguro. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and improve the quality of storing data with data information.

Conclusion

9.   The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Secure entry of a user-identifier in a publicly positioned device, US Pub. No. 2006/0041758.

TITLE: Arithmetic device and encryption/decryption device, US Pub. No. 2004/0196976.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teshome Hailu whose telephone number is (571) 270-3159. The examiner can normally be reached on Mon-Fri 7:30a.m. to 5:00p.m. PST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teshome Hailu

January 31, 2008

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